

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

VINCENT GALANTE
SADIE GALANTE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -1810

Decision No. CU -378

ORDER AND AMENDED PROPOSED DECISION

On October 4, 1967, the Commission issued its Proposed Decision, denying this claim for claimants' failure to meet the burden of proof in that they failed to establish ownership by a national of the United States of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. The Proposed Decision was entered as the Commission's Final Decision on May 1, 1968.

The claimants having thereafter submitted additional evidence in support of the claim, and the matter having been duly considered, it is

ORDERED that the Final Decision be and the same is vacated and set aside, and the Proposed Decision is hereby amended as follows:

On the basis of evidence of record, the Commission finds that claimants are, and since prior to October 13, 1960, have been, the joint owners of 300 shares of common stock of Havana Lithographing.

The record discloses that Havana Lithographing Company was nationalized pursuant to Cuban Law 890, published in the Cuban Official Gazette on October 13, 1960. This corporation was organized under the laws of Cuba and does not qualify as a corporate "national of the United States" defined under Section 502(1)(B) of the Act as a corporation or other legal entity organized under the laws of the United States, or any State, the District of Columbia or the Commonwealth of Puerto Rico, whose ownership is vested to the extent of 50 per centum or more in natural persons who are citizens of the United States. In this type of situation, it has been held previously that a stockholder in such a corporation is entitled to file a claim based upon his ownership interest therein. (See Claim of Parke, Davis &

In determining the value of the interest owned by claimants in Havana Lithographing, the Commission has considered an unaudited balance sheet, with supporting schedules, as of July 31, 1960, an affidavit of the former President of Havana Lithographing, appraisals and valuations of the assets of the corporation prepared in 1960 and 1967, and insurance values for all assets. On the basis of all the evidence of record, the Commission finds that \$1,356,012.12 is the amount that would have been available at the time of loss for distribution among the 540,218 shares of common stock issued by Havana Lithographing. The Commission thus concludes that the dollar loss sustained in connection with the ownership of a common stock interest in Havana Lithographing was \$2.51 per share of common stock issued and held at the time of loss. (See Claim of Central West Company, Claim No. CU-3440).

Accordingly, in the instant claim, the Commission finds that claimants, as holders of 300 shares of the common stock of Havana Lithographing, suffered a loss in the total amount of \$753.00 within the meaning of Title V of the Act, as a result of the nationalization of Havana Lithographing by the Government of Cuba on October 13, 1960.

It will be noted that the total amount of loss found herein is in excess of the amount asserted by claimants. However, in determining the amount of loss sustained, the Commission is not bound by any lesser or greater amounts which may be asserted by claimant as the extent thereof.

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement. (See Claim of Lisle Corporation, Claim No. CU-0644).

Accordingly, the Commission concludes that the amount of loss sustained by the claimants shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960, the date of loss, to the date on which provisions are made for settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that VINCENT GALANTE and SADIE GALANTE jointly suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Seven Hundred Fifty-Three Dollars (\$753.00) with interest at 6% per annum from October 13, 1960 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Order
and Amended Proposed Decision
of the Commission

JUL 24 1968

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimants establish retention of the securities or the loss here certified.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Order and Amended Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
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IN THE MATTER OF THE CLAIM OF

VINCENT GALANTE
SADIE GALANTE

Claim No. CU-1810

Decision No. CU -378

Under the International Claims Settlement
Act of 1949, as amended

Appeal and objections from a Proposed Decision issued October 4, 1967.
No oral hearing requested; hearing on the record.

Hearing on the record held on April 24, 1968

FINAL DECISION

Under date of October 4, 1967, the Commission issued its Proposed Decision, denying this claim for claimants' failure to meet the burden of proof in that they failed to establish ownership by a national of the United States of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba.

Claimants objected to the Proposed Decision, and submitted a broker's affidavit indicating that claimants had purchased 300 shares of Havana Lithographing Company stock on August 13, 1959, and that said stock had been held by brokers for claimants' account since date of purchase.

However, claimants have failed to submit evidence to establish their United States nationality, although the Commission requested such evidence in letters dated June 12, 1967, October 16, 1967, December 8, 1967, January 4, 1968 and February 21, 1968.

By the Commission letter of February 21, 1968, claimants were informed that further action on this claim would be held in abeyance for an additional period of 30 days, and, thereafter, the claim would be

presented to the Commission for final determination on the basis of the record then existing. Except as mentioned hereinabove, the suggested evidence has not been submitted.

The Commission has reviewed and examined all of the evidence of record, and finds that the evidence of record is of insufficient probative value to warrant a different determination from that made in the Proposed Decision.

Full consideration having been given to the objections of claimants, and the entire record, including such objections, having been reviewed, it is

ORDERED that the Proposed Decision be, and the same is, affirmed as the Final Decision of the Commission in this claim.

Dated at Washington, D.C.,
and entered as the Final
Decision of the Commission

MAY 1 1968

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

VINCENT GALANTE
SADIE GALANTE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -1810

Decision No. CU **378**

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$430.50, was presented by VINCENT GALANTE and SADIE GALANTE and is based upon the asserted ownership of 300 shares in Havana Lithographing Company. Claimants state that they have been nationals of the United States since birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

Claimants state that they are the owners of 300 shares in Havana Lithographing Company; however, claimants have submitted no documentary evidence to establish their claim.

By Commission letter of June 12, 1967, claimants were advised as to the type of evidence proper for submission to establish this claim under the Act. However, no evidence in response to this correspondence has been received to date.

On July 24, 1967, claimants were invited to submit any evidence available to them within 45 days from that date, and they were informed, that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No evidence has since been submitted.

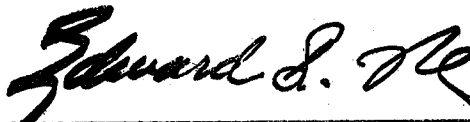
CU-1810

The Commission finds that claimants have not met the burden of proof in that they have failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Moreover, claimants have failed to establish their qualification as nationals of the United States.

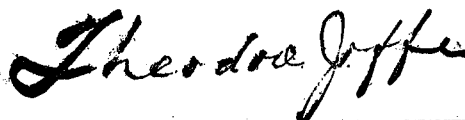
Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

OCT 4 1967



Edward D. Re, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)